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**THREE LOCAL DOCTORS CHARGED BY U.S. WITH RECEIVING
KICKBACKS FOR REFERRALS OF MEDICARE PATIENTS**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, PASQUALE D'AMURO, the Assistant Director in Charge of the New York Field Office of the Federal Bureau of Investigation and BRIAN SMITH, the Special Agent in Charge of the Office of Investigations in Region 2 of the Department of Health and Human Services, announced that doctors PAUL BRANDA, NAUM D. TSYNMAN, and WILLIAM G. JOHNSON were arrested today on charges that each solicited and received kickbacks for referrals of Medicare patients to another doctor.

According to a criminal Complaint filed on May 21, 2004, in Manhattan federal court, from about 1997 to about March 12, 2003, BRANDA, a physician practicing general medicine in

Brooklyn; TSYNMAN, a physician practicing internal medicine in Brooklyn; and JOHNSON, a physician practicing internal medicine in Queens, steered numerous Medicare patients to another doctor, a gastroenterologist, in return for cash payments from that doctor in violation of the Medicare anti-kickback statute.

The anti-kickback statute prohibits a doctor from soliciting or receiving payment of any kind in return for referring a patient to another person for medical services for which payment may be made under the Medicare program. Medicare is a federal medical insurance program funded by federal taxes that pays for health care services for elderly and disabled persons in the United States.

According to the criminal Complaint, between July 18 and August 6, 2001, agents from the FBI and the Department of Health and Human Services directed the gastroenterologist, who was then acting as a cooperating witness ("CW"), to meet with BRANDA, TSYNMAN, and JOHNSON and make a cash kickback payment for Medicare patients, among others, that BRANDA, TSYNMAN, and JOHNSON had previously referred to the CW. According to the CW, the CW had a financial arrangement with each of these doctors whereby BRANDA, TSYNMAN, and JOHNSON would refer patients to the CW for gastroenterology procedures, such as colonoscopies and endoscopies, and in exchange the CW would kick back to BRANDA, TSYNMAN, and JOHNSON between 20% and 25% of the amount the CW received from the referred patient's insurance company, it was

charged.

The Complaint states that the CW previously pled guilty to submitting fraudulent claims to Medicare and paying illegal kickbacks to doctors for patient referrals.

The Charges Against PAUL BRANDA

According to the Complaint, on August 6, 2001, BRANDA met with the CW at BRANDA's office in Brooklyn to receive a kickback payment. At the meeting, which was videotaped, the CW handed BRANDA a list containing patients which BRANDA had previously referred to the CW and asked BRANDA to check if the list was complete. Because the amount of the kickback for each patient turned upon whether the patient was insured by Medicare or a private carrier, BRANDA and the CW discussed the insurance carrier for each patient.

Next, according to the Complaint, the CW gave BRANDA a kickback payment in cash and asked BRANDA to count it. BRANDA counted the money in the presence of the CW and then said "good." The CW asked BRANDA if they could increase the number of patient referrals for which the CW would pay kickbacks and BRANDA told the CW that BRANDA hoped that, as time went on, there would be "more and more and more and more."

The Charges Against NAUM D. TSYNMAN

According to the Complaint, on July 20, 2001, TSYNMAN met with the CW at TSYNMAN's office in Brooklyn to receive a kickback payment. At the meeting, which was videotaped, TSYNMAN told the CW that the CW had overpaid TSYNMAN with the last kickback payment which the CW's medical assistant had delivered to TSYNMAN. Therefore, TSYNMAN told the CW that the CW should pay whatever amount the CW felt was appropriate. The CW gave TSYNMAN a kickback payment in cash which TSYNMAN counted.

As described in the Complaint, the CW also told TSYNMAN that the CW would henceforth be making the payments personally. TSYNMAN indicated that he was more pleased with an arrangement where he would be receiving payment directly from the CW, stating "it is such a thing that I would rather have it on a personal level" and that having another person involved was really "no good."

The Charges Against WILLIAM G. JOHNSON

According to the Complaint, on July 18, 2001, JOHNSON met with the CW at JOHNSON's office to receive a kickback payment. At the meeting, which was videotaped, the CW gave JOHNSON a kickback payment in cash. Then, the CW complained to JOHNSON that in the past the CW received a sufficient number of referrals from JOHNSON to support the agreed upon monthly kickback amount, which the CW and JOHNSON disguised as rent payments, but that in the last "two, three, four months" the CW

had received "one patient." JOHNSON disagreed and indicated that the number of referrals had been higher.

BRANDA, TSYNMAN, and JOHNSON are each charged with one count of soliciting and receiving kickbacks for referrals of Medicare patients in violation of the Medicare anti-kickback statute. They are scheduled to be presented later today before the United States Magistrate Judge. If convicted, BRANDA, TSYNMAN, and JOHNSON face a maximum sentence of 5 years' imprisonment and a maximum fine of \$250,000.

Mr. KELLEY praised the efforts of the Federal Bureau of Investigation and the Department of Health and Human Services' Office of Investigations for their work in this case.

Assistant United States Attorney BRET R. WILLIAMS is in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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